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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DEC 20 2005

JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON

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17 Attorneys for Catholic Bishop of Spokane
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Honorable Justin L. Quackenbush

21
22
23 UNITED STATES DISTRICT COURT
24 FOR THE EASTERN DISTRICT OF WASHINGTON
25 AT SPOKANE
26

27 PACIFIC INSURANCE COMPANY, et
28 al.,
29

NO. 05-CV-0075 -JLQ

30
31 Plaintiffs,
32

STIPULATED PROTECTIVE
ORDER

33 v.
34

35 CATHOLIC BISHOP OF SPOKANE, et
36 al.,
37

38
39 Defendants.
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41

42 To facilitate the production of documents and disclosure of information not
43 generally available to the public, Pacific Insurance Company, Continental Casualty
44
45

STIPULATED PROTECTIVE ORDER - 1

GORDON MURRAY TILDEN LLP
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Phone (206) 467-6477
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1 Company, American Casualty Company of Reading Pennsylvania, Continental
2 Insurance Company, The Glens Falls Insurance Company (collectively "CNA"),
3 Safeco Insurance Company (General Insurance Company of America) One Beacon
4 Insurance Company (Oregon Automobile Insurance Company), Indiana Insurance
5 Company, ACE Property & Casualty Insurance Company (Aetna Insurance
6 Company), Washington Insurance Guaranty Association (The Home Insurance
7 Company), certain individual claimants, and The Catholic Diocese of Spokane
8 (jointly referred to as "the parties"), stipulate and agree to the entry of an order
9 protecting the confidentiality of such documents and restricting the use of such
10 documents and information by the non-producing party to the prosecution or
11 defense of this action, any matters in the Bankruptcy Case pending in the United
12 States Bankruptcy Court for the Eastern District of Washington under Case No.
13 04-08822-PCW-11 (the "Bankruptcy Case"), and any appeals therefrom. In view
14 of this stipulation of the parties, the court finds that good cause exists for the
15 issuance of this protective order.
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36 IT IS, THEREFORE, ORDERED AS FOLLOWS:
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38 1. The parties agree that certain documents produced during the course
39 of this matter ("Coverage Litigation") may be designated "Confidential—Subject
40 to Protective Order" (hereinafter "Protected Material"). The parties further agree
41 that documents so designated may be used only in this Coverage Litigation, any
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STIPULATED PROTECTIVE ORDER - 2

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1 matters in the Bankruptcy Case pending in the United States Bankruptcy Court for
2
3 the Eastern District of Washington under Case No. 04-08822-PCW-11 (the
4
5 "Bankruptcy Case"), and any appeals therefrom. Nothing in this Stipulated Order
6
7 shall limit how a producing party may use the Protected Material that it produces.
8
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10 2. All Protected Material or any document containing Protected Material
11
12 shall be designated by marking the words Protected Material or Confidential on the
13
14 face of the material and, if produced on compact disc, on the face of the compact
15
16 disc which contains the confidential material.
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19 3. The parties' definition of confidential documents and information as
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21 set forth in Paragraph 1 above is intended to facilitate the preparation and trial of
22
23 this action, and the parties' treatment of such Confidential documents and
24
25 information in conformity with this Order is not to be construed as an admission or
26
27 agreement by any party that any such Confidential documents and information
28
29 constitute or contain any trade secret, proprietary, or other confidential information
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31 in contemplation of law.
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35 4. Confidential documents and information shall not be given, shown,
36
37 made available, discussed or otherwise communicated by the non-producing party
38
39 in any way to anyone other than:
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42 (a) The parties and attorneys for the parties in this litigation and the
43
44 Bankruptcy Case and their usual employees;
45

STIPULATED PROTECTIVE ORDER - 3

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1 (b) Persons specifically retained by attorneys for the parties in this
2
3 litigation or the Bankruptcy Case to assist in the preparation of this litigation for
4
5 trial (such as experts, copy vendors, and consultants);
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8 (c) Any person whose testimony is taken or may be taken in this
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10 litigation or the Bankruptcy Case, except that such a person may only be shown
11
12 Confidential documents and information during his testimony and in preparation
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14 therefor and only to the extent necessary for such preparation of testimony; and
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17 (d) Actual or potential testifying or consulting experts;
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19 (e) The Court, any Special Master appointed in the case, or other
20
21 finders of fact in this proceeding or the Bankruptcy Case. Persons falling within
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23 the purview of subparagraphs (b), (c), and (d) shall, prior to being provided with
24
25 Confidential documents and information, be furnished a copy of this Order and
26
27 shall sign the same signifying his/her agreement with its provisions.
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31 5. If any non-producing party wishes to give, show or make available
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33 such Confidential documents and information to persons other than those
34
35 referenced in Paragraph 4, such party shall submit to counsel for the producing
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37 party a written statement specifically identifying the Confidential documents, or
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39 subject material thereof, and the name, title and business relationship of the
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41 persons(s) to whom disclosure is requested and the reason for such disclosure. If
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43 the producing party agrees in writing to the requested disclosure, it is permitted.
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STIPULATED PROTECTIVE ORDER - 4

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1 Should the producing party and the non-producing party be unable to resolve any
2
3 requested disclosure, then the party making the request for further disclosure shall
4
5 submit such dispute to the Court. Until the Court resolves the dispute, the party
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7 requesting the further disclosure will not give, show or make available the
8
9 Confidential documents and information to the person(s) in dispute. All
10
11 confidential documents and information under this Order shall be treated as
12
13 confidential pursuant to the terms of this Order until contrary determination is
14
15 made by the Court.
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20 6. The persons described in paragraph 4 and any person to whom
21
22 Confidential documents and information is disclosed shall use such Confidential
23
24 documents and information only for the purposes of the prosecution or defense of
25
26 the above-captioned litigation or issues that may arise in the Bankruptcy Case and
27
28 for no other purpose or publication whatsoever, whether directly or indirectly.
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31 7. If a question asked at a deposition contains Confidential Information
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33 or calls for an answer concerning Confidential Information, counsel for the party
34
35 seeking to protect the Confidential documents and Information shall notify
36
37 opposing counsel on the record or within 14 days after receipt of the deposition
38
39 transcript that the information in such question or answer is considered
40
41 Confidential Information or if any of the exhibits attached to the deposition are
42
43 considered Confidential Information to be covered by this action. Until such time
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STIPULATED PROTECTIVE ORDER - 5

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1 has elapsed, the entire deposition and all attached exhibits shall be treated as
2
3 Confidential Information. If no such request is made, the deposition and all
4
5 exhibits to the deposition shall be designated as non-confidential.
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8 8. At the conclusion of this litigation (including appeals) and the
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10 Bankruptcy Case, all Confidential documents and information, and copies thereof,
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12 in whatever form, in the possession, custody or control of the non-producing party
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14 shall be returned to the producing party or destroyed upon the request of the
15
16 producing party. All notes, memoranda, summaries or other documents in the
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18 possession, custody or control of the non-producing party referring, describing or
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20 relating to Confidential documents and information shall be destroyed upon the
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22 request of the producing party.
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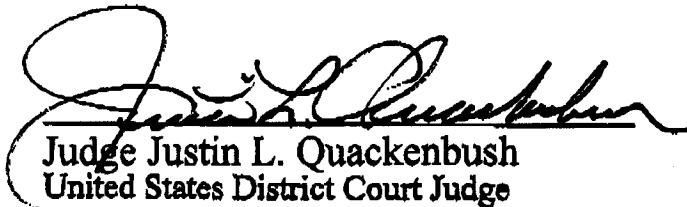
26 9. This Order shall be without prejudice to the right of any party or
27
28 person to bring before the Court at any time the question of whether a particular
29
30 item is or is not entitled to be treated as Confidential under this Order. Without
31
32 limiting the foregoing, the Court shall, upon proper motion and showing, release
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34 from the provisions of this Order any Confidential or alleged Confidential
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36 material.
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40 10. This Order shall be without prejudice to the right of any party to
41
42 oppose production of any document or information upon other proper grounds.
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11. Any third party producing documents or giving deposition testimony in this action may invoke the provision of this Order by serving written notice to such effect upon all parties to this action.

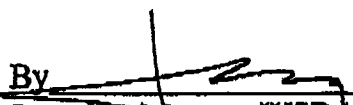
12. If any party submits Confidential materials or information to the Court as exhibits to motions or as part of any other form of submission to the Court, the Confidential materials or information will be filed under seal. Any portion of any motion or other submission to the Court that recites Confidential material or information will be filed separately under seal.

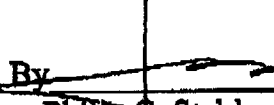
ORDERED this 20th day of December, 2005.


Judge Justin L. Quackenbush
United States District Court Judge


1 It is so stipulated:

2
3 **GORDON MURRAY TILDEN LLP GRIPPO & ELDEN LLC**


4
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7
8 By  #25263
9 James R. Murray, WSBA #25263
10 Attorneys for Defendant
11 Catholic Bishop of Spokane
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20 By  #25263
21 Philip C. Stahl
22 Attorneys for Pacific Insurance Company
23 and Continental Casualty Company,
24 Continental Casualty Company,
25 American Casualty Company of Reading
26 Pennsylvania, Continental Insurance
27 Company, and The Glen Falls Insurance
28 Company ("CNA")
29


30 **PAINE, HAMBLIN, COFFIN,**
31 **BROOKE & MILLER LLP**

32
33 By  #25263
34 Daniel W. Short, WSBA #7945
35 Attorneys for Defendant
36 Catholic Bishop of Spokane
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32 Mary R. DeYoung, WSBA #16264
33 Attorneys for Washington Insurance
34 Guaranty Association (The Home
35 Insurance Company)
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30 **MORISON-KNOX HOLDEN**
31 **MELENDEZ & PROUGH, LLP**

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36 Company (General Insurance Company
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34 Company (Oregon Automobile Insurance
35 Company)
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STIPULATED PROTECTIVE ORDER - 8

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9 Company
10

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By *[Signature]*
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11

12 **FOSTER PEPPER &**
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18 Attorneys on behalf of Certain
19 Individual Claimants
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STIPULATED PROTECTIVE ORDER - 9

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I HEREBY CERTIFY that on the 21st day of September, 2005, I

electronically filed the foregoing with the Clerk of the Court using the CM/ECF

System which will send notification of such filing to the following.

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STIPULATED PROTECTIVE ORDER - 10

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STIPULATED PROTECTIVE ORDER - 11

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STIPULATED PROTECTIVE ORDER - 13

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1 The following parties are not on the Court's e-mailing list and will be

2
3 provided a copy of the above-document via U.S. Mail:

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7 Continental Casualty Company,

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Shaun M. Cross

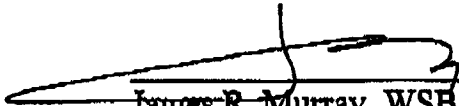
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